

REMARKS/ARGUMENTS

Claims 1-11 are pending in the application. Claims 1, 2, 4, 7 and 9-11 have been amended.

Initially, applicant has amended claims 2, 4 and 7 to correct the informality noted by the Examiner. Further, claims 9-11 have been amended to be consistent with the amendment made to claim 1. It is respectfully requested that the Examiner's objection to claims 2, 4 and 7 be withdrawn.

The Examiner has rejected 1-8 and 10 -11 under 35 USC 102(e) as being anticipated by Bajzath et al. In particular, the Examiner indicates that "Bajzath et al teach a communication system for advising an intended called party recipient of the availability of the calling party sender for return messages" such system including elements like those claimed by the instant claims.

This rejection is respectfully traversed and it is respectfully submitted that the present invention as defined by the amended claims is patentably distinct from Bajzath. In particular, instant claim 1 has been amended to make a clear distinction between "descriptive information" and "availability status information". One key feature of the present invention is the delivery to the called party of availability status information, which informs the called party when the calling party will be available for a return call. A further key element of the present invention is that the calling party status availability information can be dynamically updated.

Conversely, the system of Bajzath et al provides only standard "caller ID" type of information, e.g. return phone number. Contrary to the Examiner's assertions, Bajzath et al does not teach or suggest, nor even mention the possibility of providing availability status information of the calling party.

Therefore, it is respectfully submitted that Bajzath et al fails to teach or suggest the present invention, and clearly fails to anticipate the present invention. In this light, it is respectfully requested that the rejection of claims 1-8 and 10-11 under 35 USC 102(e) be reconsidered and withdrawn.

The Examiner has also rejected claim 9 under 35 USC 103(a) as being unpatentable over Bajzath et al in view of Srinivasan. In particular, the Examiner finds that Srinivasan teaches an ACD system, which includes means for storing callback records and scheduling return calls. The Examiner then concludes that it would be obvious to use the call back functions of Srinivasan in the system of Bajzath et al.

These rejections are respectfully traversed and it is respectfully submitted that the present invention as defined by claim 9 is patentably distinct from Bajzath et al in view of Srinivasan.

It is respectfully submitted that Srinivasan fails to overcome the deficiencies of Bajzath et al noted above. In particular, Srinivasan does not teach, suggest or even mention the possibility of providing availability status information of the calling party. Rather, Srinivasan provides a system for returning a call based on a simple timer. There is no availability status information communicated whatsoever.

Therefore, it is respectfully submitted that Bajzath et al in view of Srinivasan fails to render obvious the present invention, particularly as set forth in instant claim 9. In this light, it is respectfully requested that the rejection of claim 9 under 35 USC 103(a) be reconsidered and withdrawn.

In view of the above amendments and remarks, early consideration and allowance of all pending claims, i.e. claims 1-11, are respectfully requested.

Respectfully submitted,

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